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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

VICTORIA LATRECE WILLIAMS,

Defendant and Appellant.

B292980

(Los Angeles County
Super. Ct. Nos. VA145095,
VA146784)

APPEAL from a judgment of the Superior Court of Los Angeles County, Yvonne T. Sanchez, Judge. Affirmed.

Lenore De Vita, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Victoria Latrece Williams appeals from a judgment of conviction entered after the trial court denied her motion to withdraw her no contest pleas in case Nos. VA145095 and VA146784, which were joined for disposition. Williams obtained a certificate of probable cause based on her claim she was misled into entering the no contest pleas. She claimed she was mentally unable to understand the consequences of her pleas and was rushed into entering the pleas with threats of a lengthy prison sentence. We affirm.

BACKGROUND

I. Case No. VA145095

On the afternoon of June 25, 2017, Antiwan Cole, a loss prevention officer at a grocery store in Lakewood, observed Williams place liquor bottles and other items in a bag. Williams walked out of the store without paying for the items. Cole confronted Williams outside the store and showed her his badge. Williams sprayed pepper spray in Cole's face. One of Cole's coworkers came to his assistance, and the two of them were able to detain Williams.

On November 1, 2017, the People filed an information charging Williams with one count of second degree robbery (Pen. Code, § 211).¹ Williams was arraigned and pleaded not guilty. She was released on bail.

¹ All further statutory references are to the Penal Code.

II. Case No. VA146784

On the afternoon of October 23, 2017, Carla Burgess was at her home and heard someone calling out for her daughter, Chiquilla Thurman. Burgess recognized the caller as Williams, who had encountered problems with Thurman in the past. Burgess told Williams to leave. Williams lifted up her jacket and showed Burgess the handle of a gun. Burgess asked Williams what she was going to do with the gun. Williams drew the gun, pointed it at Burgess, and shouted, “Bitch, I’ll shoot you!” Burgess responded, “Oh you’re going to shoot me?” Williams then ran to a nearby vehicle, which drove away.

Thurman received a phone call from a blocked number, but she recognized Williams’s voice. Williams told her, “We got guns, you better get inside your house before I shoot you up.” Thurman saw Williams in the passenger seat of a car outside her home. The car then drove away.

Both Burgess and Thurman believed Williams capable of carrying out her threats to shoot them; they were afraid. They believed Williams was associated with a criminal street gang.

Burgess and Thurman reported the incident to the Los Angeles Sheriff’s Department. A detective with the sheriff’s department learned that Williams was out on bail for the robbery and entered her information in the wanted person system. On January 18, 2018, law enforcement took Williams into custody during a traffic stop.

On January 22, 2018, the district attorney filed a felony complaint charging Williams with making criminal threats against Thurman (§ 422, subd. (a); count 1); assault with a firearm on Burgess (§ 245, subd. (a)(2); count 2), in the course of which Williams personally used a handgun (§ 12022.5); and

making criminal threats against Burgess (§ 422, subd. (a); count 3), in the course of which Williams personally used a handgun (§ 12022.5, subd. (a)). The complaint also alleged that Williams's use of the handgun in the commission of the crime charged in count 3 made that crime both a serious and a violent felony (§§ 667.5, subd. (c)(8), 1192.7, subd. (c)(8)), and at the time Williams committed the crimes charged, she was released on bail (§ 12022.1). Williams pleaded not guilty to all three counts.

III. Plea Proceedings

Both cases came before the trial court on April 19, 2018. As to case No. VA146784, the prosecutor requested that the People be allowed to amend the complaint to add a fourth count, stalking (§ 646.9, subd. (a)). She added that she understood Williams wanted to enter pleas as to the two cases.

The prosecutor explained that in case No. VA145095, Williams would enter a plea as to the robbery charge and receive two years in state prison. In case No. VA146784, Williams would enter a plea as to the stalking charge and receive one-third of the mid-term sentence, eight months.

The prosecutor then took Williams's waivers. She explained that stalking carried a maximum term of three years, but in exchange for her plea she would receive "eight months to follow your other case." In her other case, second degree robbery "is a felony, it is a strike. It carries a maximum time in state prison of five years." In exchange for her plea, Williams would receive the low term of two years, for a total state prison term of two years and eight months. The prosecutor asked Williams if that was her understanding of the offer, and she responded, "Yes."

The prosecutor then discussed the promise that Williams be allowed to turn herself in on June 19, 2018, and that if she failed to report at that time, the court could then sentence her to the maximum term of five years and eight months. Williams said she understood.

The prosecutor told Williams she would have to serve 85 percent of her time before she could be released on parole, at which time there would be terms and conditions that she would have to follow. Williams conferred with her counsel, then said she understood.

Before giving Williams the plea form, the prosecutor reminded Williams, "I told you that the [section] 211 is a strike. Now what that means is if you, in the future, pick up another felony, your sentence in that felony will be at a minimum doubled. Do you understand that?" Williams said, "Yes." The prosecutor then told Williams that if she "pick[ed] up a subsequent or another after that serious or violent felony, then you would be facing 25 years to life at a minimum" Again, Williams said she understood. The prosecutor added, "Pick up no more felonies, that will never matter; all right?" Williams responded, "Yes."

The prosecutor then went over the plea form, and the meaning of the boxes Williams had initialed. Williams said she understood her rights, she had discussed the form with her attorney, and no one had told her anything different than what the prosecutor had told her. The prosecutor asked if Williams had any questions. Williams conferred with her attorney, then answered, "No." At that point, Williams pleaded no contest to the charges of second degree robbery and stalking.

The trial court found that Williams “expressly, knowingly, understandingly, and intelligently waived her constitutional rights,” and her “pleas and admissions to be freely and voluntarily made with an understanding of the consequences.” The court found a factual basis for the pleas and found her guilty based on the no contest pleas. It sentenced her to the agreed-upon sentence, with a June 19, 2018 surrender date.²

IV. Motion To Withdraw Pleas

On June 11, 2018, Williams filed a motion to withdraw her no contest pleas. In support of her motion, Williams filed a declaration stating that in discussing the pleas, her counsel told her “to simply ‘sign and date the *Boykin-Tahl*’³ waiver form, that it was a good deal and if I did not sign the form, I would get seven years state prison.” (Italics added.) Counsel did not explain why this was so, or why she should not go to trial, although “I believed that I had a meritorious defense as to both cases. In addition, . . . I have a history of learning disability and slow comprehension, which complicated the process.” Williams “did not know that I needed to divulge the problems in my communication with my public defender. I was also fearful of being separated from my two[-]year[-]old daughter for seven years.”

² The court also imposed various fines and fees, and it issued a 10-year protective order as to Burgess and Thurman. The court subsequently vacated the fines and fees upon finding that Williams had no ability to pay, pursuant to *People v. Dueñas* (2019) 30 Cal.App.5th 1157.

³ *Boykin v. Alabama* (1969) 395 U.S. 238 [89 S.Ct. 1709, 23 L.Ed.2d 274], *In re Tahl* (1969) 1 Cal.3d 122.

Williams also supported her motion with copies of her individualized education program (IEP) forms from school.

Williams appeared in court on June 19, at which time her surrender date was continued to July 16, 2018. The case, including surrender date and a hearing on Williams's motion, was ultimately continued to August 17, 2018.

At the hearing on the motion, Williams reiterated her claims that she was not properly instructed on the ramifications of her plea, she did not know she was "pleading to a strike," and "because of a learning disability . . . [s]he would have particular difficulty" understanding the legal documents. Additionally, "she was rushed into entering into her plea." She just wanted the opportunity to go to trial.

The prosecutor responded that Williams's declaration was self-serving, and her IEP did not indicate that Williams was unable to understand the paperwork or advisements. Additionally, Williams was allowed to confer with her counsel at the plea hearing. Further, there was no evidence Williams was coerced into entering the no contest plea.

The trial court noted that it took Williams's plea, and had been present when the prosecutor went over the plea form with Williams. The transcript did not reflect that Williams conferred with her counsel at that point. The court stated that it had "every reason to believe . . . that this was a knowing, intelligent and voluntary plea." It therefore denied the motion.

DISCUSSION

We appointed counsel to represent Williams on this appeal. After review of the record, Williams's counsel filed an opening

brief requesting this court to independently review the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436, 441. On March 11, 2019, we sent a letter to Williams, advising her that she had 30 days within which to personally submit any contentions or issues which she wished us to consider. To date we have received no response.

We have examined the entire record. We are satisfied that no arguable legal issues exist and that Williams's counsel has fully complied with her responsibilities. By virtue of counsel's compliance with the *Wende* procedure and our review of the record, we are satisfied that Williams received adequate and effective appellate review of the judgment entered against her in this case. (*People v. Wende, supra*, 25 Cal.3d at p. 441; accord, *People v. Kelly* (2006) 40 Cal.4th 106, 109-110.)

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED

JOHNSON, J.

We concur:

ROTHSCHILD, P. J.

BENDIX, J.